

106TH CONGRESS  
2D SESSION

# H. R. 5018

To amend title 18, United States Code, to modify certain provisions of law relating to the interception of communications, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. CANADY of Florida (for himself and Mr. HUTCHINSON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to modify certain provisions of law relating to the interception of communications, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Electronic Communica-  
5       tions Privacy Act of 2000”.

6       **SEC. 2. EXCLUSIONARY RULE.**

7       Section 2515 of title 18, United States Code, is  
8       amended—

1           (1) by striking “wire or oral communication”  
2           and inserting “wire, oral, or electronic communica-  
3           tion”;

4           (2) by inserting “, or any stored electronic com-  
5           munication has been disclosed,” after “has been  
6           intercepted”; and

7           (3) by inserting “or chapter 121” after “this  
8           chapter”.

9   **SEC. 3. REPORTS CONCERNING THE DISCLOSURE OF**  
10                   **STORED ELECTRONIC COMMUNICATIONS.**

11       Section 2703 of title 18, United States Code, is  
12   amended by adding at the end the following:

13       “(g) REPORTS CONCERNING THE DISCLOSURE OF  
14   STORED ELECTRONIC COMMUNICATIONS.—

15           (1) Within thirty days after the expiration of an  
16       order (or each extension thereof) entered under sub-  
17       section (d), or the denial of an order approving a  
18       disclosure of stored electronic communications, the  
19       issuing or denying judge shall report to the Adminis-  
20       trative Office of the United States Courts—

21                   (A) the fact that an order or extension was  
22       applied for;

23                   (B) the kind of order or extension applied  
24       for;

1 (C) the fact that the order or extension  
2 was granted as applied for, was modified, or  
3 was denied;

4 (D) the period of disclosures authorized by  
5 the order, and the number and duration of any  
6 extensions of the order;

7 (E) the offense specified in the order or  
8 application, or extension of an order;

9 (F) the identity of the applying investiga-  
10 tive or law enforcement officer and agency mak-  
11 ing the application and the person authorizing  
12 the application; and

13 (G) the nature of the facilities from which  
14 or the place where stored electronic communica-  
15 tions were to be disclosed.

16 (2) In January of each year the Attorney Gen-  
17 eral, an Assistant Attorney General specially des-  
18 ignated by the Attorney General, or the principal  
19 prosecuting attorney of a State, or the principal  
20 prosecuting attorney for any political subdivision of  
21 a State, shall report to the Administrative Office of  
22 the United States Courts—

23 (A) the information required by subpara-  
24 graphs (A) through (G) of paragraph (1) of this  
25 section with respect to each application for an

1 order or extension made during the preceding  
2 calendar year;

3 (B) a general description of the disclosures  
4 made under such order or extension,  
5 including—

6 (i) the approximate nature and fre-  
7 quency of incriminating communications  
8 disclosed;

9 (ii) the approximate nature and fre-  
10 quency of other communications disclosed;

11 (iii) the approximate number of per-  
12 sons whose communications were disclosed;  
13 and

14 (iv) the approximate nature, amount,  
15 and cost of the manpower and other re-  
16 sources used in the disclosures;

17 (C) the number of arrests resulting from  
18 disclosures made under such order or extension,  
19 and the offenses for which arrests were made;

20 (D) the number of trials resulting from  
21 such disclosures;

22 (E) the number of motions to suppress  
23 made with respect to such disclosures, and the  
24 number granted or denied;

1 (F) the number of convictions resulting  
2 from such disclosures and the offenses for  
3 which the convictions were obtained and a gen-  
4 eral assessment of the importance of the disclo-  
5 sures;

6 (G) the approximate number of persons  
7 whose communications were disclosed and who  
8 were not charged with a crime; and

9 (H) the information required by subpara-  
10 graphs (B) through (G) of this paragraph with  
11 respect to orders or extensions obtained in a  
12 preceding calendar year.

13 (3) In April of each year the Director of the  
14 Administrative Office of the United States Courts  
15 shall transmit to the Congress a full and complete  
16 report concerning the number of applications for or-  
17 ders authorizing or approving the disclosure of  
18 stored electronic communications pursuant to this  
19 chapter and the number of orders and extensions  
20 granted or denied pursuant to this chapter during  
21 the preceding calendar year. Such report shall in-  
22 clude a summary and analysis of the data required  
23 to be filed with the Administrative Office by para-  
24 graphs (1) and (2) of this section. The Director of  
25 the Administrative Office of the United States

1 Courts is authorized to issue binding regulations  
2 dealing with the content and form of the reports re-  
3 quired to be filed by paragraphs (1) and (2) of this  
4 section.

5 **SEC. 4. PEN REGISTERS.**

6 (a) APPLICATION.—Section 3122(b)(2) of title 18,  
7 United States Code, is amended to read as follows:

8 “(2) a showing by the applicant that the re-  
9 quirements of section 3123 have been met.”.

10 (b) ISSUANCE OF ORDER.—Section 3123 of title 18,  
11 United States Code, is amended—

12 (1) in subsection (a), by inserting “, except that  
13 such order shall not be entered if the pen register  
14 or trap and trace device identifies an e-mail address  
15 unless the court finds that specific and articulable  
16 facts reasonably indicate that a crime has been, is  
17 being, or will be committed, and information likely  
18 to be obtained by such installation and use is rel-  
19 evant to an investigation of that crime” before the  
20 period at the end; and

21 (2) in subparagraphs (A) and (C) of subsection  
22 (b)(1), by striking “telephone” and inserting “trans-  
23 mission”.

24 (c) DEFINITIONS.—Section 3127 of title 18, United  
25 States Code, is amended—

1           (1) in paragraph (3), by inserting “or which  
2       identify the e-mail address transmitted” after “at-  
3       tached”; and

4           (2) in paragraph (4), by inserting “, or which  
5       identify an e-mail address” after “transmitted”.

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